

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE WOOD, ET AL.,

Plaintiffs,

No. 16-13598

v.

District Judge George Caram Steeh
Magistrate Judge R. Steven Whalen

SUNDANCE, INC.,

Defendant.

ORDER

Before the Court are Plaintiffs' Motion to Compel Production of Electronically Stored Information [Doc. #70] and Defendant's corresponding Motion for Protective Order [Doc. #71]. For the reasons and under the terms stated on the record on October 23, 2018, Plaintiffs' motion [Doc. #70] is GRANTED and Defendant's motion [Doc. #71] is DENIED.

At issue is electronically stored information ("ESI") involving emails. The parties have agreed that the Defendant's ESI custodians will be five corporate individuals, a general Human Resources email address, and 26 market and area "coaches." At this time, the Defendant will produce a sampling of emails under the following terms:

(1) The search terms will consist of "Wage and Hour," "Off the Clock," "Overtime," and "FLSA."

(2) The parties will agree on restrictive (Boolean) terms that will serve to exclude privileged emails to or from Defendant's attorneys and their law firm.

(3) The parties will meet, confer, and work together cooperatively to devise other restrictive terms that will reasonably serve to exclude irrelevant material from the

production.

(4) The sampling will then consist of 50 percent of the market and area coaches, and all of the corporate and Human Resource custodians.

(5) In order to protect against inadvertent public disclosure of employees' personal and confidential information, including medical and disciplinary information, the production will at this time be subject to an "attorneys' eyes only" protective order. If necessary, this material may later be utilized in redacted form, subject to stipulation of the parties or order of this Court.

(6) The Defendant will produce this discovery within four weeks of the date of this Order.

IT IS SO ORDERED.

Dated: October 23, 2018

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE
JUDGE

CERTIFICATE OF SERVICE

I hereby certify on October 23, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on October 23, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen